

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 3677

(SENATE AUTHORS: DRAHEIM)

DATE
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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to real property; modifying and updating certain recording and title
1.3 provisions; making clarifying and technical changes; repealing obsolete provisions;
1.4 amending Minnesota Statutes 2018, sections 508.52; 518.191, subdivisions 1, 3;
1.5 600.23; repealing Minnesota Statutes 2018, sections 507.07; 582.14.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2018, section 508.52, is amended to read:

1.8 **508.52 CONVEYANCE; CANCELLATION OF OLD AND ISSUANCE OF NEW**
1.9 **CERTIFICATE.**

1.10 An owner of registered land who desires to convey the land, or a portion thereof, in fee,
1.11 shall execute a deed of conveyance, and record the deed with the registrar. The deed of
1.12 conveyance shall be recorded and endorsed with the number and place of registration of
1.13 the certificate of title. Before canceling the outstanding certificate of title the registrar shall
1.14 show by memorial thereon the registration of the deed on the basis of which it is canceled.
1.15 The encumbrances, claims, or interests adverse to the title of the registered owner shall be
1.16 stated upon the new certificate, except so far as they may be simultaneously released or
1.17 discharged. The registrar shall not carry forward as a memorial on the new certificate of
1.18 title any memorials of a transfer on death deed if the grantors of the transfer on death deed
1.19 retain no fee interest in the land covered by the new certificate. The certificate of title shall
1.20 be marked "Canceled" by the registrar, who shall enter in the register a new certificate of
1.21 title to the grantee and prepare ~~and deliver to the grantee a copy of the~~ new certificate of
1.22 title. The registrar, upon request, shall deliver to the grantee a copy of the new certificate
1.23 of title. If a deed in fee is for a portion of the land described in a certificate of title, the
1.24 memorial of the deed entered by the registrar shall include the legal description contained

2.1 in the deed and the registrar shall enter a new certificate of title to the grantee for the portion
2.2 of the land conveyed and, except as otherwise provided in this section, issue a residue
2.3 certificate of title to the grantor for the portion of the land not conveyed. The registrar shall
2.4 prepare and, upon request, deliver to each of the parties a copy of their respective certificates
2.5 of title. In lieu of canceling the grantor's certificate of title and issuing a residue certificate
2.6 to the grantor for the portion of the land not conveyed, the registrar may if the grantor's
2.7 deed does not divide a parcel of unplatted land, and in the absence of a request to the contrary
2.8 by the registered owner, mark by the land description on the certificate of title "Part of land
2.9 conveyed, see memorials." The fee for a residue certificate of title shall be paid to the
2.10 registrar only when the grantor's certificate of title is canceled after the conveyance by the
2.11 grantor of a portion of the land described in the grantor's certificate of title. When two or
2.12 more successive conveyances of the same property are filed for registration on the same
2.13 day the registrar may enter a certificate in favor of the grantee or grantees in the last of the
2.14 successive conveyances, and the memorial of the previous deed or deeds entered on the
2.15 prior certificate of title shall have the same force and effect as though the prior certificate
2.16 of title had been entered in favor of the grantee or grantees in the earlier deed or deeds in
2.17 the successive conveyances. The fees for the registration of the earlier deed or deeds shall
2.18 be the same as the fees prescribed for the entry of memorials. The registrar of titles, with
2.19 the consent of the transferee, may mark "See memorials for new owner(s)" by the names
2.20 of the registered owners on the certificate of title and also add to the memorial of the
2.21 transferring conveyance a statement that the memorial shall serve in lieu of a new certificate
2.22 of title in favor of the grantee or grantees therein noted and may refrain from canceling the
2.23 certificate of title until the time it is canceled by a subsequent transfer, and the memorial
2.24 showing such transfer of title shall have the same effect as the entry of a new certificate of
2.25 title for the land described in the certificate of title; the fee for the registration of a conveyance
2.26 without cancellation of the certificate of title shall be the same as the fee prescribed for the
2.27 entry of a memorial.

2.28 Sec. 2. Minnesota Statutes 2018, section 518.191, subdivision 1, is amended to read:

2.29 Subdivision 1. **Abbreviated judgment and decree.** If real estate is described in a
2.30 judgment and decree of dissolution, the court ~~may~~ shall direct either of the parties or their
2.31 legal counsel to prepare and submit to the court a proposed summary real estate disposition
2.32 judgment. Upon approval by the court and filing of the summary real estate disposition
2.33 judgment with the court administrator, the court administrator shall provide to any party
2.34 upon request certified copies of the summary real estate disposition judgment.

3.1 Sec. 3. Minnesota Statutes 2018, section 518.191, subdivision 3, is amended to read:

3.2 Subd. 3. **Court order.** An order or provision in a judgment and decree that provides
 3.3 that the judgment and decree must be recorded in the office of the county recorder or filed
 3.4 in the office of the registrar of titles means, if a summary real estate disposition judgment
 3.5 has been approved by the court, that the summary real estate disposition judgment, rather
 3.6 than the judgment and decree, must be recorded in the office of the county recorder or filed
 3.7 in the office of the registrar of titles. The recorder or registrar of titles is not responsible for
 3.8 determining if a summary real estate disposition judgment has been approved by the court.

3.9 Sec. 4. Minnesota Statutes 2018, section 600.23, is amended to read:

3.10 **600.23 RECORDERS AND COURT ADMINISTRATORS.**

3.11 Subdivision 1. **Deposit of papers.** Every county recorder, upon being paid the legal fees
 3.12 therefor, ~~shall~~ may receive and deposit in the office any instruments or papers which ~~shall~~
 3.13 ~~be~~ are offered for that purpose and, if ~~required~~ requested, shall give to the person depositing
 3.14 the same a receipt therefor.

3.15 Subd. 2. **Endorsed and filed.** Any such instruments or papers so received shall be filed
 3.16 by the officer receiving the same, and so endorsed as to indicate their general nature, the
 3.17 names of the parties thereto, and time when received, and shall be deposited and kept by
 3.18 the officer and successors in office in the same manner as the officer's official papers, but
 3.19 in a place separate therefrom.

3.20 Subd. 3. **Withdrawal.** Papers and instruments so deposited shall not be made public or
 3.21 withdrawn from the office except upon the written order of the person depositing the same,
 3.22 or the person's executors or administrators, or on the order of some court for the purpose
 3.23 of being read in the court, and then to be returned to the office.

3.24 Subd. 3a. **Retention and disposal.** Papers and instruments deposited for safekeeping
 3.25 shall be retained, at a minimum, until the earlier of:

3.26 (1) the county recorder learns of the depositor's death, at which time the county recorder
 3.27 may deliver the paper or instrument to the appropriate court, or deliver the paper or instrument
 3.28 to the depositor's executors or administrators; or

3.29 (2) 20 years following the deposit of the paper or instrument, at which time the county
 3.30 recorder shall deliver the paper or instrument directly to the Minnesota Historical Society
 3.31 for review and disposition. If not accepted by the Minnesota Historical Society, the county
 3.32 recorder may destroy the paper or instrument.

4.1 Subd. 4. **Certificate that instrument cannot be found.** The certificate of any officer
4.2 to whom the legal custody of any instrument belongs, stating that the officer has made
4.3 diligent search for such instrument and that it cannot be found, shall be prima facie evidence
4.4 of the fact so certified to in all cases, matters, and proceedings.

4.5 Sec. 5. **REPEALER.**

4.6 Minnesota Statutes 2018, sections 507.07; and 582.14, are repealed.

507.07 WARRANTY AND QUITCLAIM DEEDS; FORMS.

Warranty and quitclaim deeds may be substantially in the following forms:

WARRANTY DEED

A.B., grantor, of (here insert the place of residence), for and in consideration of (here insert the consideration), conveys and warrants to C.D., grantee, of (here insert the place of residence), the following described real estate in the county of, in the state of Minnesota: (here describe the premises).

Dated this day of,

(Signature)

Every such instrument, duly executed as required by law, shall be a conveyance in fee simple of the premises described to the grantee, the grantee's heirs and assigns, with covenants on the part of the grantor, the grantor's heirs and personal representatives, that the grantor is lawfully seized of the premises in fee simple and has good right to convey the same; that the premises are free from all encumbrances; that the grantor warrants to the grantee, the grantee's heirs and assigns, the quiet and peaceable possession thereof; and that the grantor will defend the title thereto against all persons who may lawfully claim the same. Such covenants shall be obligatory upon any grantor, the grantor's heirs and personal representatives, as fully and with like effect as if written at length in such deed.

QUITCLAIM DEED

A.B., grantor, of (here insert the place of residence), for the consideration of (here insert the consideration), conveys and quitclaims to C.D., the grantee, of (here insert the place of residence), all interest in the following described real estate in the county of, in the state of Minnesota: (here describe the premises).

Dated this day of,

(Signature)

Every such instrument, duly executed, shall be a conveyance to the grantee, the grantee's heirs and assigns, of all right, title, and interest of the grantor in the premises described, but shall not extend to after acquired title, unless words expressing such intention be added.

582.14 LIMITATION ON OLD FORECLOSURE ACTIONS.

No action or proceeding to foreclose a real estate mortgage executed prior to November 1, 1909, shall be maintained after January 1, 1946, unless prior to said date the owner of said mortgage shall have filed in the office of the county recorder of the county in which is located the real estate covered thereby, a notice setting forth the name of the claimant, a description of said real estate and of said mortgage including the volume and page at which it is of record and a statement of the amount claimed to be due thereon. Such notices may be discharged in the same manner as notices of lis pendens, and, so discharged, shall, together with all information included therein, cease to constitute either actual or constructive notice.